



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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July 11, 2006

Rodney E. Cluck
Project Coordinator – Cape Wind Project
Minerals Management Service
381 Elden Street, Mail Stop 4042
Herndon, VA 20164

Dear Mr. Cluck:

This is in response to the May 30, 2006 Notice of Intent to prepare an EIS on the Cape Wind Project, request for scoping comments, and invitation for participation by cooperating agencies, 71 FR 30693.

The Service has been actively involved in the review of the Cape Wind Project since December 2001. During this period, we have identified scoping issues and information needs as outlined in the attached chronology of Service correspondence. All 19 of these documents are individually included as Service scoping comments for this NOI, copies enclosed. In addition, we include as an attachment the Service letter, dated February 28, 2006, on the Advance Notice of Proposed Rulemaking for Alternate Energy-Related Uses on the Outer Continental Shelf as an integral part of the Service scoping comments for this NOI. We suggest that MMS consider working backwards through this scoping correspondence as you develop the scope of analysis document for your DEIS. The Service's January 31, 2005 comments on the Corps DEIS are arranged by subject headings, include a discussion of the issue(s), and cite references, including earlier scoping correspondence. The chronology of Service correspondence also identifies the subject matter of each scoping document.

We realize that these documents combined are more voluminous than ordinary scoping comments for an EIS. However, the Cape Wind Project is not an ordinary project; it has been and remains one of the most controversial projects in New England. The sheer volume of our scoping comments could have and should have been reduced over the past five years had the issues we raised been adequately addressed. That is certainly true for information needs that were identified in 2002 for natural resources such as avian, benthic, and fishery resources. Had the applicant conducted the three-year radar study to identify the spatial and temporal use of the airspace by avian species and the other supporting studies recommended in Service scoping comments, the information needs for those resources would be largely satisfied. However, they

have not, and it will now take three additional years to collect the necessary baseline information identified in our previous scoping comments and in our comments on the Corps DEIS. Accordingly, we recommend that MMS devise a revised schedule for the NEPA process based on the time it will take the applicant to collect the data necessary to address scoping comments dating back to 2002 and data deficiencies identified in comments on the Corps DEIS in 2005.

In addition to the above, we recommend that the following issues be included in your scope of analysis document: 1) the potential for release of hazardous waste from the turbines and transformer station; 2) effects associated with the construction staging area(s) for the proposed project; and 3) the potential impacts associated with any new manufacturing facilities to be developed to support the proposed project.

In closing, I feel the need to note that I find it extremely frustrating that Service efforts with regard to our role as a cooperating agency on the Cape Wind project have not been more productive. Our entire focus over the past five years has been on getting the basic information necessary to make informed decisions with regard to project impacts on migratory birds and other natural resources for which the Service has Congressionally mandated responsibility. We collectively have an opportunity before us now to "do this right". I look forward to working closely with you to take advantage of that opportunity.

Questions should be directed to me or to Mr. Vern Lang of this office at 603-223-2541 or email vernon_lang@fws.gov.

Sincerely yours,



Michael J. Bartlett
Supervisor
New England Field Office

Enclosures